

REMARKS

This Amendment C has been filed with a request for continued examination and assumes Amendment B has been entered. Applicant thanks the Examiner for considering Amendment B and for the Advisory action. The following remarks supercede the remarks of Amendment B.

Applicant has thoroughly considered the Examiner's remarks, and the application has been amended in light thereof. Claims 1-23 are presented in the application for examination. Applicant thanks the Examiner for his indication that claims 5, 8 and 18-23 include allowable subject matter. Claims 1, 16, 19 and 23 have been amended by this Amendment C. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the final Office action.

Rejections based on 35 U.S.C. § 112

Claims 19, 22 and 23 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner points to the use of alternative "and/or" as being indefinite. Claims 19 and 23 have been amended by Amendment B to avoid the alternative language. Thus, the claims comply with 35 U.S.C. § 112, and the rejections should be withdrawn. The Advisory action indicates that this rejection has been overcome.

Rejections based on 35 U.S.C. § 103(a)

Claims 1-4, 6, 7 and 9-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pellegrino et al. (U.S. Patent 6,149,441) in view of Leshem et al. (U.S. Patent 5,870,559). The present invention recites "**creating a *progressive history file* of each of the pages accessed by the user as the user navigates through the linked pages of the distance learning program, said history file corresponding to the study path of the user, said history file remotely stored on a server for independent access by the user via the user processor and by a teacher via a teacher processor.**" (*Application, claims 1 and 16, emphasis added*). The Examiner argues that Pellegrino et al. teaches the ability to track user actions as they navigate through the lessons. The Examiner further argues that even though Pellegrino fails to teach the

specific functionality of this tracking, Leshem et al. teaches a software tracking system that tracks a user's progress through a series of linked pages and creates a history file of the pages visited. Applicant disagrees. Pellegrino et al. discloses a Navigation Element that "allows the teacher to provide text defining one or more student tasks, followed by . . . buttons, each of which may be accompanied by additional descriptive or instructional text defining actions to be taken by the student upon selecting the respective button." (*Pellegrino et al.*, col. 22, lines 37-42). In other words, the term tracking as used in Pellegrino et al. concerns itself with the complex task of recording the specific action that the user takes in response to the teacher's specific instruction. Pellegrino et al. does not concern itself with tracking the **progressive study path** that the user takes as he or she visits selected linked pages and progresses through the educational course. In contrast, as the specification points out, the present invention relates to a tracker software program that "**tracks the user's study path to the individual page level.**" (*Application*, page 4, lines 27-28). Implicitly stated, the tracker software program of the present invention ascertains and records movement from a page within the educational course to any other page of the course and so on. Thus, the tracker software program of the present invention not only determines where the user presently is within the educational course (i.e., the specific page that the user is currently being presented), it also tracks the user's progress to create a progressive study path history of each of the pages accessed as the user navigates through the linked pages of the distance learning program. Claims 1 and 16 have been amended to recite that the progressive history is of the study path. Such tracking of the study path is neither expressly nor implicitly mentioned in Pellegrino et al.

In paragraph 5 of the Office action, in Response to Section 2, the Examiner submits that the specification of the originally filed application does not include "ascertaining and recording movement from a page within the educational course to any other page" within the meaning of the term tracking. As discussed above, such ascertaining and recording must be implicitly read into the meaning of the term tracking because the tracker software program cannot track the user's study path to the individual page level without ascertaining and recording the user's movement between pages within the educational course.

Applicant also disagrees with the Examiner's argument that Leshem et al. teaches a software tracking system that tracks the user's progress through a series of linked pages and creates a history file of the pages visited. The Examiner cites Leshem et al., at column 3, lines

10-18, as teaching this aspect of the invention. Leshem et al. discloses "processing a Web site's server access log file to generate Web site usage data This usage data is preferably generated by processing the entries within the log file on a per-visitor basis to determine the probable navigation path taken by each respective visitor to the Web site." (*Leshem et al.*, col. 3, lines 9-18). The web server access log file as disclosed by Leshem et al. is a "standard-format access log file which records each access to any page of the Web site." (*Leshem et al.*, col. 3, lines 18-20). Nevertheless, as discussed in Amendment A Section 2 filed on June 24, 2003, not every visit to a web page by the user will be entered into the web server access log file. This is due to the caching functionality of most modern web browsers. The first time the user requests a web page, the web browser of the user will request the web page directly from the web server. A copy of the web page will then be stored in the web browser's cache. Thereafter, unless the web page is updated or the caching function of the web browser is turned off, in response to every subsequent user request for the web page, the web browser will retrieve the web page directly from its own cache without requesting it from the web server. Thus, the web server access log file only has information regarding the user's first visit to the web page. Any subsequent visits to the web page will not be entered into the web server access log file because requests for access will not be sent to the web server. Accordingly, by looking solely at the web server access log file, one cannot determine the exact study path taken by the user as the user navigates between pages within the educational course. The present invention solves this problem by employing a tracker software program that creates a progressive history file of each of the pages accessed by the user as the user navigates through the linked pages of the distance learning program, regardless of whether the page is retrieved from the web browser's own cache or from the web server.

Another aspect of the invention that the Examiner appears to have overlooked is that the progressive study path history file created by the tracker software program is stored remotely for independent access by the user and by the teacher. One major advantage of the present invention over the prior art is that the present invention allows the user and the teacher to monitor and evaluate the user's progress through the educational course independently of each other. This is accomplished by remotely storing the history file. Neither Pellegrino et al. nor Leshem et al. teaches or suggests such remote storing.

In light of the foregoing, Applicant submits that the cited references fail to teach or suggest each and every feature of claims 1 and 16. Moreover, the combination of Pellegrino et al. and Leshem et al. teaches away from Applicant's claimed invention. Therefore, claims 1 and 16 are believed to be allowable.

Regarding claims 2 and 17, the Examiner submits in Response to Section 5 of this Office action that the features upon which Applicant relies (i.e., that the site map provides the user's progress at any instant in time to both the user and the teacher) are not recited in the claims. Contrary to the Examiner's submission, both claims 2 and 17 do recite that the site map displays to the user via the user processor and teacher via the teacher processor the user's progress based on the history file. (*Application, claims 2 and 17*). In order to track the user's progress, the site map must inherently be capable of displaying progress at any instant in time or the tracking would be incomplete and would not indicate the user's progress. To avoid any misunderstanding, claims 2 and 17 have been amended to claim that the site map displays the user's progress *at any instant in time* based on the history file to the user and the teacher. Accordingly, claims 2 and 17 are believed to be allowable.

Regarding claim 4, the Examiner points to Leshem et al., at column 2, line 66 to column 3, line 5, as teaching a color coded site map to indicate the pages previously accessed by the user, the page currently being accessed by the user, and the pages not previously accessed by the user. Nevertheless, even though Leshem et al. suggests modifying display colors of nodes and links of a site map, it does not mention or suggest using a different color code for each of the different status of a page (i.e., previously accessed, currently accessed, or not previously accessed). Therefore, Leshem et al. does not teach or suggest each and every feature of claim 4. Accordingly, claim 4 is believed to be allowable.

CONCLUSION

For the reasons noted above, claims 1-23 should be allowed as patentable. In addition, it is noted that each of the dependent claims is separately patentable and each is patentable based on its dependency from a patentable independent claim. In Applicant's view, the prior art noted in the Office action but not relied upon by the Examiner is less relevant than Pellegrino et al. and Leshem et al.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



Frank R. Agovino, Reg No.27,416
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400